

ORIGINAL

BEFORE THE

Federal Communications Commission

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JAN 16 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.622(b)
Table of Allotments,
Digital Television Broadcast Stations,
(Corpus Christi, Texas)

MM Docket No. 99-277
RM-9666

To Chief, Video Division, Media Bureau

**MOTION TO DISMISS COMMENTS IN SUPPORT OF
PETITION FOR RECONSIDERATION**

Channel 3 of Corpus Christi, Inc., licensee of television station KHH, Corpus Christi, Texas ("KHH"), by its attorneys, request that the Commission dismiss the Comments in Support of Petition for Reconsideration filed on January 6, 2004 by the Community Broadcasters Association ("CBA") in the above-referenced proceeding. CBA's Comments request the Commission to rescind its Report and Order allotting DTV Channel 8 to Corpus Christi, Texas.

The Comments of the CBA must be dismissed because they are late filed, constitute an unauthorized pleading and do not meet the acceptability standards for petitions for reconsideration. First, because the Comments were filed over 4 years after the November 1, 1999 comment filing deadline established by the Report and Order in this case, they must be dismissed. Section 1.415(b) of the Commission's rules. Second, the Comments must be dismissed because they constitute an unauthorized pleading under Section 1.415(d) of the Commission's rules which provides that no additional comments may be filed unless specifically requested or authorized by the Commission. Third, to the extent the Comments request reconsideration of the Report and Order, they must be dismissed because the CBA has failed to

No. of Comments 014
LIST ABOVE

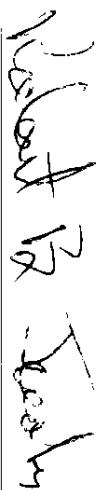
satisfy any of the prerequisites for acceptable petitions set forth in Section 1429(b) of the Commission's rules.

In view of the foregoing, it is requested that the CBV Comments be dismissed.

Respectfully submitted,

CHANNEL 3 OF CORPUS CHRISTI, INC.

By



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Dated January 16, 2004

CERTIFICATE OF SERVICE

I, Barbara J. McKeever, hereby certify that I have mailed, first class U.S. mail, postage prepaid, or have caused to be hand-delivered, on this 16th day of January, 2004, a copy of the foregoing MOTION TO DISMISS COMMENTS IN SUPPORT OF PETITION FOR RECONSIDERATION to the following:

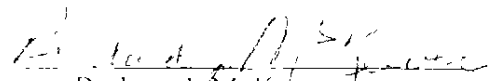
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